

RECEIPT # 51945  
 AMOUNT \$ 150  
 SUMMONS ISSUED N/A  
 LOCAL RULE 4.1         
 WAIVER FORM         
 MCF ISSUED         
 BY DPTY. CLK.         
 DATE 11-21-03

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF MASSACHUSETTS

CIRIACO PUCILLO

Plaintiff,

vs.

METSO PAPER, INC. AND  
 VALMET CONVERTING, INC.

Defendants.

C.A. No.: \_\_\_\_\_

03-12359 MLW

MAGISTRATE JUDGE Collings

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Valmet Converting, Inc., by and through the undersigned counsel, hereby removes this action pursuant to 28 U.S.C. § 1441 *et. seq.*, from the Superior Court for the County of Middlesex, Massachusetts to the United States District Court for the District of Massachusetts and states as follows:

1. On or about October 28, 2003, an action was commenced in the Superior Court for the County of Middlesex, Massachusetts entitled *Ciriaco Pucillo v. Metso Paper, Inc. and Valmet Converting, Inc.*, C.A. No. 03-4425.
2. Valmet Converting, Inc. (hereinafter "Valmet") first received a copy of said Complaint by certified mail on November 3, 2003.
3. Metso Paper, Inc. (hereinafter "Metso Paper") first received a copy of said Complaint indirectly, by certified mail delivered to Metso Paper USA, Inc., a separate and distinct corporation, on November 13, 2003.

4. The Plaintiff Ciriaco Pucillo is seeking compensatory damages for an alleged injury that Plaintiff sustained while working as a machine operator for Proma Technologies, Inc., at 24 Forge Park, Franklin, Norfolk County, Commonwealth of Massachusetts.

5. The Plaintiff is a citizen of the County of Middlesex, Commonwealth of Massachusetts.

6. The Defendants are not citizens of the Commonwealth of Massachusetts.

7. Valmet is a corporation, organized under the laws of the State of Connecticut and its principal place of business is in Charlotte, North Carolina.

8. Metso Paper is a Finnish corporation, organized under the laws of Finland and has its principal place of business in Helsinki, Finland. Metso Paper has no facilities or offices in the Commonwealth of Massachusetts.

9. This is a civil action involving a controversy between citizens of different states in which a citizen of foreign state is an additional party. Upon information and belief, the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.<sup>1</sup> Therefore, this Court has original jurisdiction over this action pursuant to 28 U.S.C § 1332(a)(3) and this matter may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

10. In accordance with 28 U.S.C. § 1446(a), copies of all process and pleadings served on Defendant Valmet are annexed to this Notice as attachment "A."

11. Metso Paper expressly agrees to this removal.

12. In accordance with 28 U.S.C § 1446(a), a copy of the Notice of Removal will be filed with the Clerk of the Superior Court for the County of Middlesex and served on Plaintiff.

13. Defendants Valmet and Metso Paper expressly reserve all rights and defenses relating to Plaintiff's claims.

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<sup>1</sup> This amount includes Plaintiff's reasonably anticipated future medical and hospital expenses and reasonably anticipated lost wages which Plaintiff claims are currently unknown.

WHEREFORE, Valmet Converting, Inc. respectfully requests that this matter be removed to this Court for all purposes.

Dated: November 21, 2003

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mark Petersen", with a stylized, flowing script.

Mark Petersen (B.B.O. #396840)  
490 Shrewsbury Street  
Worcester, MA 01604  
(508)791-0300

*Attorneys for Defendant Valmet Converting, Inc.*

Of Counsel:

David L. Kelleher, Esq. (B.B.O. #543912)  
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701 Pennsylvania Ave, NW Suite 800  
Washington, DC 20004  
(202)508-4000

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of November 2003, a copy of the Notice of Removal was sent by first class mail, postage prepaid to:

Maureen Counihan, Esq.  
Green & Hoffman, P.C.  
125 Summer Street  
14<sup>th</sup> Floor  
Boston, Massachusetts, 02110

  
Mark Petersen